IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Toru Takayama et al.   Art Unit   : 2814
Serial No. : 10/662,508   Examiner : Thao X. Le
Filed   : September 16, 2003   Conf. No. : 1342
Title   : LIGHT-EMITTING APPARATUS AND FABRICATION METHOD OF THE
              SAME

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY TO ACTION OF APRIL 30, 2007

Claims 1-4, 6, 13-15, 17-18, 21-28, 31, 32, 36 and 37 are pending in the application, with claims 1-4, 17 and 18 being independent.

The claims have been rejected as being unpatentable over Yamazaki (U.S. 2002/0057055) in view of Kitamura (JP 07292459) and Song (U.S. 6,872,473).

With respect to claim 1 and its dependent claims, applicant requests reconsideration and withdrawal of this rejection because there would have been no motivation to replace Yamazaki's buffer film with Kitamura's mixed film containing fluoroplastics and metallic oxide in the manner set forth in the rejection. In particular, as set forth in paragraph [0107] of Yamazaki, the silicon nitride buffer film may be formed under the protective film 406. Thus, the silicon nitride buffer film is an *internal* layer of Yamazaki's device. By contrast, Kitamura, at paragraph [0105], describes the mixed film containing fluoroplastics and metallic oxide as being used as an *external* protective coating for devices such as a lens, a mirror, or an automobile. Nothing in Kitamura's description of such an external coating for devices such as a lens, a mirror or an automobile would have led one of ordinary skill in the art to modify Yamazaki's internal layer. While the rejection indicates that the motivation would have resulted because, as taught by Kitamura, the coating provides water repellance, scratch resistance and transparency, there is no indication that these properties would be of benefit in an internal layer of Yamazaki's light emitting device. For example, scratch resistance is of no value in an internal layer. For at least these reasons, the rejection should be withdrawn.